

Chapter 84. OUTDOOR WOOD BOILERS

Proposed

GENERAL REFERENCES

Uniform Fire Prevention and Building Code administration and enforcement — See Ch. 63.
Zoning — See Ch. 121.

§ 84-1. Purpose and findings.

- A. This chapter is enacted in recognition of the impact that outdoor wood boilers have on the health, safety, and welfare of the citizens of the Town of Amenia.
- B. It is the intent of the Town Board to enact comprehensive legislation that regulates the installation, use, and operation of residential and commercial outdoor wood boilers upon any public or private property within the Town.
- C. The Town Board concludes that the baseline regulations contained in this chapter protect the health, safety and welfare of the residents of Amenia, while avoiding undue interference with the continued operation of outdoor wood boilers.

§ 84-2. Applicability.

- A. This chapter applies to outdoor wood boilers. Sections 84-6 and 84-7 apply specifically to new outdoor wood boilers. All other sections in this chapter apply generally to all outdoor wood boilers.

§ 84-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGRICULTURAL LAND

The land and on-farm buildings, equipment, manure processing and handling facilities, and practices that contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a “commercial horse boarding operation” and “timber processing”. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

CLEAN WOOD

Wood that has not been painted, stained, or treated with any other coatings, glues or preservatives, including, but not limited to, chromated copper arsenate, creosote, alkaline copper quaternary, copper azole or pentachlorophenol.

COMMENCE OPERATION

The initial start-up of the combustion chamber of a new outdoor wood boiler after all piping and electrical connections between the new outdoor wood boiler and the structure(s) it serves have been completed.

COMMERCIAL-SIZE NEW OUTDOOR WOOD BOILER

A new outdoor wood boiler with a thermal output rating greater than 250,000 British thermal units per hour (Btu/h).

DEC REGULATIONS

The Regulations adopted by the New York State Department of Environmental Conservation contained in Title 6 of the New York Code of Rules and Regulations, Chapter III, Subchapter A, Part 247.

ENFORCEMENT OFFICER

The Town Building Inspector and any other person the Town Board may designate by resolution as an enforcement officer for purposes of this chapter.

EPA REFERENCE METHOD 9

The method used for making a visual determination of the opacity of emissions from a stationary source as set forth in appendix A of 40 CFR Part 60.

L.P. GAS (Liquefied Petroleum Gas)

A gas liquefied by compression, consisting of flammable hydrocarbons, as propane and butane, obtained as a by-product from the refining of petroleum or natural gas.

MANUFACTURER

Any person who makes or produces a new outdoor wood boiler that is ultimately operated in New York.

MODEL

All new outdoor wood boilers manufactured by a single manufacturer that are similar in all material and design respects.

NATURAL GAS

A naturally occurring hydrocarbon gas mixture consisting primarily of methane and varying amounts of higher alkanes, as well as percentages of carbon dioxide, nitrogen, and hydrogen sulfide.

NEW OUTDOOR WOOD BOILER

An outdoor wood boiler that commences operation on or after the effective date of this chapter.

OUTDOOR WOOD BOILER

A fuel burning device that is designed to burn wood or other fuels, is specified by the manufacturer for outdoor installation or installation in structures not normally occupied by humans, and is used to heat building space and/or water via the distribution, typically

through pipes, of a gas or liquid (e.g., water or water/antifreeze mixture) heated in the device.

PERSON

Any individual, firm, association, corporation, partnership, trust, estate, legal representative, company, foundation or fund, charitable organization, or other entity owning or occupying real property within the Town.

RESIDENTIAL-SIZE NEW OUTDOOR WOOD BOILER

A new outdoor wood boiler that has a thermal output rating of 250,000 Btu/h or less.

TEST METHOD 28-OWHH

"EPA Test Method 28 OWHH for Measurement of Particulate Emissions and Heating Efficiency of Outdoor Wood-Fired Hydronic Heating Appliances", Attachment 2 of the "EPA Outdoor Wood-fired Hydronic Heater Program Phase I Partnership Agreement" dated March 16, 2007 (see Chapter III, table 1, section 200.9 of the DEC Regulations).

THERMAL OUTPUT RATING

The heat value in Btu/h that a manufacturer specifies a particular model of new outdoor wood boiler is capable of supplying at its design capacity.

§ 84-4. Standards and prohibitions.

No person shall operate an outdoor wood boiler that does not meet the requirements set forth in this Part:

- A. Building permit. No outdoor wood boiler may be constructed or installed unless the Building Inspector has first issued a building permit authorizing such construction or installation. Owners of outdoor wood boilers in existence at the time this law went into effect must contact the Building Inspector to obtain a permit.
- B. Months of operation. Outdoor wood boilers are subject to a "no-burn" period between May 1 and October 1. Outdoor wood boilers may not be used or otherwise operated during that no-burn period.
- C. Spark arrestor. All outdoor wood boilers must be equipped with a properly functioning spark arrestor.
- D. Manufacturer's specifications. All outdoor wood boilers must be in strict compliance with the manufacturer's specifications pertaining to construction, installation, use, operation, and maintenance. In the event of a conflict between the manufacturer's specifications and the requirements of this chapter, the more restrictive standard shall control.
- E. Locations. All outdoor wood boilers shall be located at least 1,000 feet from hospitals, schools and places of assembly. Except for Commercial-Size or Residential-Size New

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Outdoor Wood Boilers installed on contiguous agricultural lands larger than five acres all outdoor wood boilers shall be located at least 200 feet from all residential structures not being served by such outdoor wood boiler.

F. Prohibited fuels. No person shall burn any of the following items in an outdoor wood boiler:

- (1) wood that does not meet the definition of Clean Wood;
- (2) unseasoned wood;
- (3) garbage;
- (4) tires;
- (5) yard waste, including lawn clippings;
- (6) materials containing plastic;
- (7) materials containing rubber;
- (8) waste petroleum products;
- (9) paints or paint thinners;
- (10) household or laboratory chemicals;
- (11) coal;
- (12) paper except as described in section 84-5(A)(4) of this Chapter;
- (13) construction and demolition debris;
- (14) plywood;
- (15) particleboard;
- (16) fiberboard;
- (17) oriented strand board;
- (18) manure;
- (19) animal carcasses;
- (20) asphalt products;

(21) salt water driftwood; or

(22) any other fuel that is not recognized as an approved fuel pursuant to section 84-5 of this chapter.

G. Emissions. No person shall cause or allow emissions of air contaminants from an outdoor wood boiler to the outdoor atmosphere of a quantity, characteristic or duration which is injurious to human, plant or animal life or to property, or which unreasonably interferes with the comfortable enjoyment of life or property. This prohibition applies, but is not limited to, the following conditions:

(1) activating smoke detectors in neighboring structures;

(2) impairing visibility on a public highway; or

(3) causing a visible plume migrating from an outdoor wood boiler and contacting a building on an adjacent property.

The prohibition further applies to any particulate, fume, gas, mist, odor, smoke, vapor, toxic or deleterious emission, either alone or in combination with others, emitted from an outdoor wood boiler that results in the conditions or circumstances listed in this subdivision notwithstanding the existence of specific air quality standards or emission limits.

H. Smoke Plume. No person shall operate an outdoor wood boiler in such a manner as to create a smoke plume with an opacity of 20 percent or greater (six minute mean) as determined using EPA Reference Method 9 (or equivalent) (see Chapter III, table 1, section 200.9 of the DEC Regulations).

§ 84-5. Approved fuels.

A. A person who operates an outdoor wood boiler may only burn the following fuels in such outdoor wood boiler:

(1) seasoned Clean Wood;

(2) wood pellets made from Clean Wood;

(3) heating oil in compliance with Chapter 3, Subpart 225-1 of the DEC Regulations, L.P. gas or natural gas may be used as starter fuels for dual fuel-fired outdoor wood boilers;

(4) non-glossy, non-colored papers, including newspaper, may be used only to start an outdoor wood boiler; and

(5) other fuels approved by the DEC per the certification requirements of Chapter 3, part 247, section 247.8 of the DEC Regulations.